

REMARKS

Claims 1, 15, and 17 - 23 are in the application.

The claims have been amended to more particularly point out and distinctly claim applicant's invention. Independent claims 1 and 15 have been amended to add the limitation that the contact lens supporting device is fixed on the bottom portion of the upper chamber to distinguish over the art. Claim 20 has been amended to depend from claim 15 rather than cancelled claim 16. The amendments are fully supported by the application as filed, and include no new matter. The amendments are specifically supported, for example, in the specification at page 4, lines 8-16, and by Figure 1.

Claim 20 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner notes that claim 20 depends from cancelled claim 16. This rejection is respectfully traversed and reconsideration is respectfully requested. Claim 20 has been amended to depend from claim 15 rather than cancelled claim 16.

Claim 1 stands finally rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,700,729 ("Thaler"). This rejection is respectfully traversed, and reconsideration and withdrawal of the rejection as applicable to amended claim 1 are respectfully requested.

The Examiner states that Thaler discloses a storage container (10) for receiving and storing a contact lens comprising an upper chamber (inside 12) having an opening (at 14) through which the contact lens can be placed into the chamber. The Examiner further states that the upper chamber has a bottom portion having at least one passageway (32) permitting liquid to flow out of the upper chamber, a contact lens supporting device (20-23) on the bottom portion of the upper chamber, the device being a dome-shaped structure (21 or 23) maintaining the contact lens on the device while the contact lens is stored in the container and inherently

permitting inversion of a contact lens when the contact lens is received in the storage container, and a lower chamber (inside 18) for containing liquid and having a deformable portion which allows liquid to flow through the passageways in the bottom portion of the upper chamber to the lower chamber such that the contact lens supporting device is free of liquid.

Responding to applicant's previous argument regarding Thaler, the Examiner states that he maintains that the dome-shaped structure of Thaler will inherently permit inversion of the contact lens received in the storage container on the dome-shaped structure. The Examiner notes that he is a wearer of contact lenses, and that lenses are easily inverted during cleaning and handling such that the dome-shaped structure of Thaler can and would receive contact lenses in normal or inverted condition, interchangeably, intentionally or unintentionally. The Examiner states that the contact lens does not comprise part of the structure of the claimed storage container or the storage container in combination.

Claim 1 has been amended to distinguish over Thaler by requiring that the contact lens supporting device be fixed on the bottom portion of the upper chamber. In Thaler, the lens carriers 20, 22 are not fixed on the bottom of the cleaning chamber 12, but rather are carried by supports 27 which rotatably engage a spindle 24, which in turn is fixed to the bottom of the chamber when the lens cleaning device is assembled. Thus, the lens carriers 20, 22 are free to rotate about the spindle 24. In contrast, in the storage container of the present invention, the lens supporting device is fixed on the bottom portion of the upper chamber.

Because claim 1 includes a limitation that is not met by the cited art, it is not anticipated thereby. Reconsideration and withdrawal of the rejection entered under 35 U.S.C. 102(b) are respectfully requested for this reason.

Further, Thaler does not claim 1 obvious. As previously noted, one of ordinary skill in the art would be taught away from maintaining the contact lens in a stationary position by the rotational arrangement of Thaler.

Claims 15 and 17-22 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Thaler and U.S. Patent 3,129,971 ("Kobler"). In addition, claims 15-22 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Thaler and U.S. Patent 4,238,134 ("Cointment") in view of Kobler.

These rejections are respectfully traversed, and reconsideration and withdrawal of the rejections are respectfully requested.

The Examiner references his prior discussion of Thaler and states that Kobler discloses an inserting and handling device (11) comprising a main body having an opening and an axial channel extending to a first end of the main body, and a deformable portion (12) which discharges air from the axial channel and upon application of a lesser force permits a vacuum to be formed in the axial channel, a suction cup (14) located at the first end of the main body which leads to the axial channel of the main body, and a vacuum bleed hole (18) on the axial channel, the vacuum bleed hole located such that a user holding the device can seal the vacuum bleed hole on the main body when the main body is deformed and a vacuum is formed permitting the suction cup to grasp an object and release the object when the vacuum bleed hole is unsealed. The Examiner concludes that to provide the container and inserting and handling device together in combination would have been obvious, as both are disclosed to be employed with contact lens. The Examiner further states that as to claims 17-19 Thaler discloses the deformable portion as an accordion-shaped pleated bellows, and that as to claim 20, Thaler discloses a dome-shaped structure (23).

Applicant respectfully urges that the Examiner conclusion is not correct, in that the cited combination would not render the presently claimed invention obvious to one of ordinary skill in the art. As noted above, there is nothing in Thaler that would suggest that Thaler's lens carriers be fixed to the bottom of the storage container. In fact, it would appear to be important to Thaler lens clearing invention for the lens carriers to rotate when streams of cleaning fluid are directed towards them so that "a greater extent if not essentially all of the surface area of the lens experiences the enhanced cleaning effect of the streams of cleaning fluid" (abstract). Kobler, being directed to an applicator, does not remedy this deficiency. In addition, while it may be possible for the Examiner to easily invert his own contact lenses, and to use a rotatable basket such as disclosed by Thaler to aid in inverting them for cleaning, the simplicity of the presently claimed invention would be advantageous to the those of the aged, the infirm, and the forgetful, who may lack the Examiner's manual dexterity and/or may otherwise welcome that simplicity.

With respect to the rejection made over the combination of Thaler, Kobler and Cointment, the Examiner again references his prior discussion of Thaler, and further states that Cointment and Kobler each pertain to an inserting and handling device. The Examiner explains that Cointment discloses an inserting and handling device comprising a main body having a first end (at 10 and 11) having a first opening, a second end (at 3) having a second opening and an axial channel (18) extending from the first opening to the second opening, and a bulb (3) over the second opening on the second end of the main body which discharges air from the axial channel and upon application of a lesser force permits a vacuum to be formed in the axial channel, a suction cup (2) located at the first end of the hollow body which leads to the axial channel of the main body. The Examiner also notes that Kobler discloses a similar device including a vacuum bleed hole (18) on the axial channel of the main body in communication with

the axial channel, the vacuum bleed hole located such that a user holding the device can seal the vacuum bleed hole on the axial channel when the hollow body is deformed and a vacuum is formed permitting the suction cup to grasp an object and release the object when the vacuum bleed hole is unsealed. In this case, the Examiner concludes that to provide the container and device together in combination would have been obvious, as both are disclosed to be employed with contact lens. The Examiner further states that as to claims 17-19, Thaler discloses the deformable portion as an accordion-shaped pleated bellows, and that as to claim 20, Thaler discloses a dome-shaped structure (23).

The addition of Cointment to the combination of Thaler and Kobler does not remedy the fact that there is nothing to suggest to one of ordinary skill in the art that Thaler's lens carriers be fixed to the bottom of the cleaning chamber. In the absence of such a suggestion, there is nothing in the cited combination that would render the presently claimed invention obvious to one of ordinary skill in the art.

Reconsideration and withdrawal of the rejections entered under 35 U.S.C. 103(a) of applicants' amended claims drawn to the combination for storing and handling contact lenses over the combination of Thaler and Kobler, and the combination of Thaler, Kobler and Cointment, are respectfully requested for these reasons.

Claim 23 stands finally rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 22 above, and further in view of U.S. Patent 5,941,583 ("Raimondi").

This rejection is respectfully traversed, and reconsideration and withdrawal of the rejection are respectfully requested

The Examiner states that Raimondi discloses a contact lens handling device including a removable cover (56). The Examiner concludes that to employ a cover to modify the handling

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device of the combination would have been obvious in view of Raimondi in order to protect the device during non-use.

Applicant notes that claim 23 is ultimately dependent from independent claim 15, which includes a limitation that is not disclosed in any of the cited references, nor is the subject matter of claim 15 rendered obvious by any combination of the cited references. In particular, Raimondi does not suggest that the Thaler's rotatable lens carriers be fixed to the bottom of the storage container to one of ordinary skill in the art, either alone or taken in combination with any of the previously cited references. Raimondi merely discloses a conventional storage container 14 for use along with his inventive contact lens manipulation device.

Reconsideration and early allowance of the amended claims are respectfully requested.

Respectfully submitted,

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